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In re Application of	:	
YAMAGUCHI, Kunio, et al.	:	
U.S. Application No.: 10/501,934	:	DECISION ON PETITION
PCT No.: PCT/JP03/00596	:	UNDER 37 CFR 1.182
International Filing Date: 23 January 2003	:	
Priority Date: 24 January 2002	:	
Attorney's Docket No.: 256082US2XPCT	:	
For: PRINTED CIRCUIT-BOARD, ELECTRONIC	:	
PART HAVING SHIELD STRUCTURE, AND	:	
RADIO COMMUNICATION APPARATUS	:	

This decision is issued in response to applicants' "Response to Notification Of Defective Response" filed on 25 May 2005, which has been treated as a petition under 37 CFR 1.182 to correct the name of the inventor identified in the international application as Atsushi TSUBOI to Atsushi TANAKA, the name listed on the declaration filed 21 March 2005. Deposit Account No. 15-0030 will be charged the required petition fee.

BACKGROUND

On 23 January 2003, applicants filed international application PCT/JP03/00596 which claimed a priority date of 24 January 2002 and which designated the United States. On 31 July 2003, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 24 July 2004.

On 21 July 2004, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a translation of the international application into English.

On 26 January 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 21 March 2005, applicants filed a "Response To Notice Of Missing Requirements" which was accompanied by an executed declaration. However, the third inventor named on the declaration, identified on the published international application as Atsushi TSUBOI, was identified on the declaration as Atsushi TANAKA.

On 29 March 2005, the DO/EO/US mailed a Notification Of A Defective Response (Form PCT/DO/EO/916) indicating that the declaration was unacceptable based on the inconsistency in the third inventor's name.

On 25 May 2005, applicants filed the "Response To Notification Of Defective Response" considered herein (with required extension fee). This Response includes a statement from the inventor regarding the change of name. This response has been treated as a petition under 37 CFR 1.182 to correct the inventor's name of record herein.

DISCUSSION

Section 605.04(b) of the Manual Of Patent Examining Procedure ("MPEP") states that:

Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

In this case, the surname of the relevant inventor in the published international application is "TSUBOI" while the second given name for this inventor listed in the declaration (and stated to be correct) is "TANAKA." This is more than a mere typographical error or a phonetic misspelling of the applicant's name.¹ Accordingly, the present Response has been treated as a petition under 37 CFR 1.182 to correct the name of the fourth inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order."

Here, applicants' submission included the authorization to charge Deposit Account No. 15-0030 for required fees. Based on this authorization, Deposit Account No. 15-0030 will be charged the requisite petition fee of \$400, satisfying the petition fee requirement. As for the affidavit requirement, applicants have submitted a declaration from the inventor regarding the name change. This declaration states that the inventor's surname was changed, and that the name listed in the declaration ("TANAKA") is the correct name. However, the declaration does not state "the procedure whereby the change of name was effected" (i.e., marriage, etc.), nor is it accompanied by a "certified copy of the court order." The declaration of Atsushi TANAKA therefore does not satisfy the requirements for a grantable petition.

Because the statement provided does not satisfy the requirements for a grantable petition, correction of the inventor's name on the present record would be inappropriate.

¹ This is confirmed by the present submission, in which the inventor confirms that the name has been changed.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **DISMISSED** without prejudice. The declaration submitted by applicants on 21 March 2005 therefore remains defective for failure to properly identify the inventors of record..

Any request for reconsideration on the merits must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any such response must include the statement required for a grantable petition under 37 CFR 1.182 regarding the change of the inventor's name and the "procedure whereby the change of name was effected," as discussed above.

Failure to file a proper response in a timely manner will result in **ABANDONMENT** of the application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration



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